HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Petition No. 16733 of 2007

Between:

Baddula Krishna Murthy & another

... Petitioners

And

State of Andhra Pradesh,
Rep. by its Principal Secretary,
Revenue Department, Hyderabad & others

... Respondents

:: O R D E R ::

Counsel for the petitioners : Shri P.V. Krishnaiah

August 20, 2007

Per G.S. Singhvi, CJ

In this petition, the petitioners have made the following substantive prayer:

> " In the circumstances, it is, therefore, prayed that this Hon'ble Court may be pleased to issue a Writ, order or direction in the nature of mandamus or otherwise declaring the action of the respondents 1 and 2 in taking steps to absorb the A.P.S.P. Constables in the Excise Department as Excise Constables in Memo No. 33263/Ex.1(2)/2004-6 dated 18.7.2007 and not repatriating them to their parent Department in pursuance of Memo iNo.32167/Ex.1(2)/2004-6 dt. 8.6.2005 issued by the 1st respondent as arbitrary, illegal, malafide, unconstitutional violating Article 14,16 and 21 of the Constitution of India apart from ultra vires to Note 3 Rule 3 of the A.P. Excise Subordinate Service Rules as well as para 3 and 5 of the A.OP. Public Employment (Organization of Local Cadres and Regulation of Direct Recruitment) Order, 1975 i.e. Presidential Order and issue

consequential directions directing the respondents to forthwith repatriate the A.P.S.P. Constables to their parent Department in terms of Memo No. 32167/Ex.1(2)/2004-6 dt. 8.6.2005 issued by the 1st respondent and recover the excess salary paid to the A.P.S.P. Constables than the salary attached to the post of Excise Constables after following the principles of natural justice, and pass such other order or orders as it deems fit and proper."

After arguing the case for some time, Shri P.V. Krishnaiah made a request for permission to his client to withdraw the writ petition with liberty to avail appropriate legal remedy as and when any such contingency arises.

The request of the learned counsel is accepted and the writ petition is dismissed as withdrawn with liberty in terms of the prayer made.

As a sequel to dismissal of the writ petition as withdrawn, W.P.M.P.Nos. 21327 and 21328 of 2007 filed by the petitioners for interim relief are also dismissed.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

August 20, 2007
ksld